

ITEM: 13

SUBJECT: Workshop on the Draft Eastern San Joaquin River Watershed WDRs and Status of the Long-term Irrigated Lands Regulatory Program

BOARD ACTION: *No board action. Workshop Item.*

BACKGROUND: On 13 April 2012, staff circulated draft waste discharge requirements for discharges from irrigated lands within the eastern San Joaquin River watershed (general order) for review and comment by interested persons. The draft general order represents the first in a proposed series of geographically-based orders, one commodity-based order, and a general order for individual growers that will implement the long-term irrigated lands regulatory program (long-term ILRP). Interested person comments were due on 21 May. Next steps include staff revision of the draft general order based on interested person comments and a formal public review to begin in late June of this year. Staff intends to bring the general order before the board for consideration at the 4/5 October hearing. The draft general order and attachments are included in this agenda package.

As part of the 2006 adoption of the current conditional waiver of waste discharge requirements, the board directed staff to begin developing a long-term ILRP and to continue preparation of an Environmental Impact Report (EIR). In April 2011, the board approved a resolution certifying a program EIR for the long-term ILRP (Program EIR). The program EIR is unique in that it does not establish a proposed program alternative. Rather the EIR provides analysis of the impacts resulting from a range of six programmatic alternatives. During the same hearing, the board considered the long-term ILRP "framework." The framework was developed by staff based on the program EIR alternatives and in consideration of the comments received on the EIR. The board has not taken action on the framework. The board renewed the conditional waiver for two years in June 2011. It also directed staff to begin developing long-term ILRP orders using the "framework" document as a starting point.

Since that time, board staff has developed the draft general order. Staff also consulted with the Groundwater Monitoring Advisory Workgroup on the questions that should form the basis of the ILRP groundwater monitoring program and the appropriate monitoring design for addressing those questions. The Groundwater Monitoring Advisory Workgroup is composed of agency staff, academics, and consultants with expertise in groundwater hydrology and quality, who are advising regional board staff on a wide range of technical issues related to groundwater quality. Staff used those recommendations, combined with input from the Stakeholder Advisory Workgroup, to develop the groundwater quality monitoring approach reflected in the draft general order. Board staff has engaged in multiple meetings with the East San Joaquin Water Quality Coalition in the development of the draft general order.

The general order draws from the alternatives analyzed in the Program EIR. Most significantly, the general order addresses discharge to

groundwater in addition to discharges to surface water. Other significant features include: maintaining the use of third-party coalitions to represent growers; requirements for nutrient management planning and reporting by individual growers in high vulnerability groundwater areas; farm evaluations by growers; management practice reporting; regional surface water monitoring; regional trend and representative groundwater monitoring; requirements for the protection of surface and groundwater quality.

The potential environmental impacts of all Program EIR alternatives are associated with implementation of water quality management practices, installation of monitoring wells, and potential loss of important farmland due to increased regulatory costs. It is expected that implementation of the general order will lead to similar types and degree of implementation of management practices and monitoring wells, and potential loss of important farmland as described by the alternatives in the Program EIR.

The draft general order relies on the environmental analysis conducted in the program EIR for compliance with CEQA. Based on the analysis contained in the Program EIR, and as described in Attachment D to the draft general order, implementation of the general order would result in the following significant and unavoidable adverse impacts: 1) conversion of prime/ unique farmland, and farmland of statewide importance to nonagricultural use, 2) cumulative climate change impacts, 3) cumulative vegetation and wildlife impacts, and 4) cumulative impacts from the conversion of prime/ unique farmland and farmland of statewide importance to nonagricultural use.

Mitigation measures have been identified that will reduce other potentially significant effects of the general order to a less than significant level. The draft general order requires implementation of these mitigation measures and includes a mitigation monitoring and reporting program.

Next steps for the long-term ILRP include continuing to develop other general orders that will implement the long-term ILRP throughout the Central Valley region. Towards this goal, staff is currently drafting the following general orders: irrigated lands operations in the Tulare Lake Basin outside of the Westlands Water District; individual operations not represented by a third-party group; Sacramento River Basin rice growers, irrigated lands operations that discharge to the Grasslands Bypass; and non-rice growers in the Sacramento River Basin. Staff has posted a schedule for the development of long-term ILRP general orders on the board's website (also included in the agenda package). The schedule, draft general order for the eastern San Joaquin River Watershed, and other long-term ILRP materials may be found at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_land\\_s/long\\_term\\_program\\_development](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_land_s/long_term_program_development).

There is no staff recommendation for this workshop item. The board may provide direction to staff based on the staff presentation and comments received from the public.

Mgmt. Review\_\_\_\_\_

Legal Review\_\_\_\_\_

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